



**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A CRIMINAL COMPLAINT  
AND ARREST WARRANT**

I, Melvin Gonzalez, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a criminal complaint charging GORDON G. MILLER III with violations of 18 U.S.C. § 2252A(a)(5)(B) (Possession of Child Pornography) and an arrest warrant with that complaint.

2. I am a Special Agent with the Federal Bureau of Investigation and have been so employed by the FBI for over fourteen years. I am currently assigned to the Richmond Field Office in Richmond, Virginia. I am assigned to the Child Exploitation Task Force, which conducts investigations pertaining to child sex trafficking, child pornography, and child abductions. I have received training from the FBI in the areas of child exploitation. I was previously assigned for six years to the San Juan Field Office, where I investigated violent crimes, gangs, and drug trafficking.

3. During my career in law enforcement, I have received extensive training in the conduct of a variety of investigations, including drug investigations, organized crime, violent crime, white collar crime, and others. In the course of my employment as a sworn law-enforcement officer, I have participated in the execution of numerous search warrants resulting in the seizure of computers, magnetic storage media for computers, other electronic media, and other items evidencing violations of state and federal laws, including various sections of Title 18 of the United States Code, including § 2251, involving production of child pornography, § 2252A, involving a variety of child exploitation and child pornography offenses, and § 2422, involving online enticement or coercion of a minor to engage in illegal sexual activity.

4. The facts in this affidavit come from my personal observations and review of records, my training and experience, and information obtained from other agents and witnesses. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint

and arrest warrant for GORDON G. MILLER III, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause that GORDON G. MILLER III committed the violations of 18 U.S.C. § 2252A(a)(5)(B) (Possession of Child Pornography) detailed below.

### **JURISDICTION**

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. *See* 18 U.S.C. §§ 2703(a), (b)(1)(A), (c)(1)(A). Specifically, the Court is “a district court of the United States ... that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

### **RELEVANT STATUTORY PROVISIONS**

6. **Possession of Child Pornography:** 18 U.S.C. § 2252A(a)(5) provides that it is a crime to knowingly possess, or knowingly access with intent to view, any child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

7. **Child pornography or Child abusive material** means any visual depiction, in any format, of sexually explicit conduct where: (A) the production involves the use of a minor engaging in sexually explicit conduct; (B) such visual depiction is a digital or computer-generated image that is substantially indistinguishable from that of a minor engaged in sexually explicit conduct; or (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexual explicit conduct. *See* 18 U.S.C. § 2256(8).

8. **Visual depictions** include undeveloped film and videotape, and data stored on computer disk or by electronic means, which are capable of conversion into a visual image, and

data which are capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format. *See* 18 U.S.C. § 2256(5).

9. **Erotica**, as used herein, means materials or items that are sexually arousing to persons having a sexual interest in minors but that are not, in and of themselves, legally obscene or that do not necessarily depict minors engaging in sexually explicit conduct.

10. **Minor** means any person under the age of eighteen years. *See* 18 U.S.C. § 2256(1).

11. **Sexually explicit conduct** means actual or simulated: (i) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (ii) bestiality; (iii) masturbation; (iv) sadistic or masochistic abuse; or (v) lascivious exhibition of the genitals or pubic area of any person. *See* 18 U.S.C. § 2256(2).

#### **PROBABLE CAUSE**

12. The Federal Bureau of Investigation (FBI) and the United States Postal Inspection Service (USPIS) are jointly investigating this case. Based on the investigation to date, there is probable cause to believe that GORDON MILLER has engaged in mail and wire fraud, theft from a program receiving federal funds, witness tampering, and money laundering in violation of Title 18, United States Code, Sections 1341, 1343, 666, 1512(b)(1), 1956(a)(1)(A)(ii), (B)(i) and 1957, respectively (collectively hereafter “the Fraud Offenses”).

13. On June 9, 2020, based on the facts gathered regarding the Fraud Offenses, federal agents obtained a search warrant for MILLER’s residence. That warrant authorized the search of MILLER’s residence and seizure of, among other items, electronic devices used as means to commit the Fraud Offenses. The warrant also authorized the off-site forensic examination of those devices. Within 48 hours of the residence search warrant’s execution, law enforcement imaged three of MILLER’s devices—two Apple iPhones and one Apple iPad—and returned them to

MILLER. The remaining devices have been held by the FBI in Richmond, where agents have been analyzing them pursuant to the residence search warrant.

14. Law enforcement executed the premises search warrant at MILLER's residence on June 11, 2020. During the execution of the warrant, agents found and seized various electronic devices. Among those devices was a Seagate 1 TB External HDD external hard drive, bearing serial number NAOC7532, found in MILLER's second-floor home office. After seizing the electronic devices pursuant to the residence search warrant, law enforcement conducted an initial review on each device known as triaging, which was done in this case to confirm that a forensic extraction of the device would properly capture all of the data contained on the device.

15. On June 18, 2020, while triaging the external hard drive described in Paragraph 14, FBI personnel discovered a series of folders containing pornographic material. On June 19, 2020, this affiant observed these findings in order to corroborate that various images depicted child sexual abusive material (CSAM). Several images located in a folder named "64GB" were confirmed to be CSAM.

16. Additionally, during the triaging of the forensic image of MILLER's iPhone 11, this affiant observed several internet searches including "kid naked at home" and "mother daughter threesome." Agents also observed website history showing access to websites including [petiteteenager.com](http://petiteteenager.com) and [motherless.com](http://motherless.com). The latter website is one that is known to law enforcement as a place used by individuals who collect, trade, and distribute child abusive material to conduct their illegal activities.

17. Because the child pornography was discovered in an external hard drive, another electronic device necessarily had to have been used to back up or transfer that material to the external hard drive. Similarly, in my training and experience, collectors of child pornography frequently have multiple devices used to store or transfer child pornography.



18. On June 19, 2020, based in part on the foregoing information, agents obtained a warrant to search the electronic devices and forensic images seized from the Miller's home for evidence related to child pornography offenses. On June 22, 2020, members of the Richmond FBI Computer Analysis Response Team (CART) executed the search warrant and began forensically extracting digital evidence.

19. Based on the CART extraction and subsequent analysis, it was determined that files constitution CSAM were present on at least 16 of the 26 devices—including on the forensic images of the Apple iPad Pro 11, Apple iPhone 11 Pro Max, and Apple iPhone XS that were returned to MILLER within 48 hours of the execution of the original premises search warrant from June 11, 2020.

20. In total, law enforcement identified the following approximate items of child pornography-related evidence on devices seized from MILLER's residence:

- a. 738 unique Category One files, *i.e.*, images or videos in any format of sexually explicit conduct involving the use of a minor.
- b. 5,208 unique Category Two files, *i.e.*, images or videos in any format of sexually explicit conduct involving the use of a possible minor whose age is difficult to determine or images and videos identified as child erotica.
- c. 632 unique Category Three files, *i.e.*, images or videos containing animation of children engaged in sexually explicit conduct.

21. This affiant reviewed the above-described findings and corroborated that at least 738 images and videos met the federal definition of "child pornography" as outlined in Paragraph 7.

22. The following files are examples of Category One photos or videos observed by this affiant from the forensic extractions of MILLER's devices:

a. An image named "5138-1.jpg," located in a Seagate external hard drive, is a collage of six still images. The images include a blonde female child of approximately two (2) years of age. The child is fully undressed. There is an adult male sexually assaulting the child. The male's penis is erect and appears to be penetrating the child while the child is positioned face down on a bed. There is a close-up of the male's finger penetrating the child's anus. The child's legs are opened by the adult and the focus of the depiction is the child's genitalia. The male places his erect penis in the child's mouth. The male places his erect penis on the child's vagina and appears to attempt to penetrate her while she lays on her back.

b. A video named "YoungCumInMouth.mov" was located on a Seagate 1TB External hard drive. The video depicts a female child of approximately four (4) years of age. The child has black hair and is wearing a green nightgown. The child is sitting on a colored patterned bed sheet. During the video, the child is performing oral sex on an adult's erect penis. The male ejaculates in the child's mouth. The male seems to instruct the child to open her mouth and display the semen. The child then appears to swallow the semen and displays her open mouth again prior to performing oral sex on the male again.

c. An image named "11-bond004.jpg" was located on a Buffalo Link Station Raid. This image depicted a female child approximately three (3) years of age. The child is laying on the edge of a bed or sofa and has a pink towel under her body. The child's legs are spread open displaying her genitalia. The child's feet are restrained with what appears to be a rope or cord to prevent them from closing. The child has a blanket over the top half of her body to include her face.

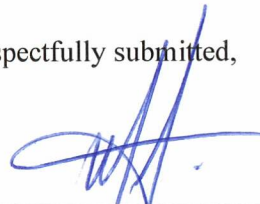
d. Images named "MVC-021s.jpg" and "MVC-025s.jpg" were located on a Buffalo Link Station Raid. Both images are depicting the same prepubescent female child

and appear to be still frames from a video. The female child has a mouth gag ball restraint. An adult hand is observed inserting a sex toy that appears to be a vibrator in the child's anus or vagina. Later the child is naked and positioned on all fours on a bed. The child still has the gag ball. The sex toy is on the bed by the child. An adult hand is holding a whip on the child's gluteal.

**CONCLUSION**

23. Based on the forgoing, I respectfully request that this Court issue a criminal complaint charging GORGON G. MILLER III with violation 18 U.S.C. § 2252A(a)(5)(B) (Possession of Child Pornography), as well as a warrant authorizing his arrest on that complaint.

Respectfully submitted,



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Melvin Gonzalez  
Special Agent, Federal Bureau of Investigation

Subscribed and sworn to before me on this 9th day of September 2020.

/s/



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Elizabeth W. Hanes  
United States Magistrate Judge